

Serial No. 09/538,396  
Group Art Unit: 1638

**In the Claims:**

✓  
Please cancel claims 1 and 9-11 without prejudice.

Please amend claims 2, 3, and 4 as follows:

- Q4  
Sub  
D1
- 
2. (Amended) A recombinant expression cassette, comprising a member of claim 12 operably linked to a promoter.
  3. (Amended) A host cell comprising a polynucleotide of claim 12.
  4. (Amended) A transgenic plant comprising a recombinant expression cassette comprising a polynucleotide of claim 12.
- 

Please add new claims 12-15 as follows:

- Q5  
Sub  
D3
- 
12. An isolated polynucleotide encoding a polypeptide with Rad50 activity comprising a polynucleotide selected from the group consisting of:
    - (a) a polynucleotide having at least 80% sequence identity over the entire length of the reference sequence, as determined by the GAP program under default parameters, to a polynucleotide of SEQ ID NO: 1;
    - (b) a polynucleotide encoding a polypeptide of SEQ ID NO: 2;
    - (c) a polynucleotide of SEQ ID NO: 1;
    - (d) a polynucleotide which is fully complementary to a polynucleotide of (a), (b), or (c).
-

Serial No. 09/538,396  
Group Art Unit: 1638

- AS  
cancel  
Sub  
DH >
13. A polynucleotide amplified from a ~~Zea mays~~<sup>E</sup> nucleic acid library using primers which selectively hybridize, under stringent hybridization conditions, to loci within a polynucleotide of SEQ ID NO: 1, wherein the polynucleotide encodes a polypeptide with Rad50 activity.
14. A polynucleotide which selectively hybridizes, under stringent hybridization conditions and a wash in 0.1X SSC at 60°C, to a polynucleotide of SEQ ID NO: 1.
- Sub  
BI >
15. A polynucleotide comprising at least 30 contiguous nucleotides from a polynucleotide of claim 12.
-